

Appendix A

APPENDIX A**THE CASES AND ARTICLE CITED BY PLAINTIFFS AND DR. HARTMAN DO NOT SHOW THAT IMS DATA WAS USED TO CALCULATE TPP PAYMENTS.**

How IMS Data Has Been Used	Citations
For Market Share or Marketing Information	<ul style="list-style-type: none"> • <i>In re Neurontin Mktg. & Sales Practices Litig.</i>, 244 F.R.D. 89, 110 (D. Mass. 2007) • <i>J.B.D.L. Corp. v. Wyeth-Ayerst Labs., Inc.</i>, 2005 U.S. Dist. Lexis 11676, at *14 (S.D. Ohio June 13, 2005) • <i>Merck & Co. v. Teva Pharms. USA, Inc.</i>, 288 F.Supp.2d 601, 630 (D. Del. 2003) • <i>University of Colo. Found., Inc. v. Am. Cyanamid Co.</i>, 216 F.Supp.2d 1188, 1196 (D. Colo. 2002) • <i>Barr Labs., Inc. v. Abbott Labs.</i>, 1991 U.S. Dist. Lexis 17690, at *14 (D.N.J. Nov. 29, 1991) • <i>Imperial Chem. Indust., PLC v. Danbury Pharmacal., Inc.</i>, 777 F.Supp. 330, 367 (D. Del. 1991) • <i>IMS Health, Inc. v. Ayotte</i>, 490 F.Supp.2d 163, 165 (D.N.H. 2007)
For Retail Pricing or Retail Purchase Information	<ul style="list-style-type: none"> • Richard G. Frank, "The Ongoing Regulation of Generic Drugs," <i>The New England Journal of Medicine</i>, November 15, 2007, 357(20), pp. 1993-1996. • <i>In re Brand Name Prescription Drugs Antitrust Litig.</i>, 1999 U.S. Dist. Lexis 12936, at *6 (N.D. Ill. Aug. 6, 1999)
Other	<ul style="list-style-type: none"> • <i>In re Terazosin Hydrochloride Antitrust Litig.</i>, 220 F.R.D. 672, 685 (S.D. Fla. 2004) (to estimate number of class members) • <i>In re Lorazepam & Clorazepate Antitrust Litig.</i>, 205 F.R.D. 369, 384 (D.D.C. 2002) (for undefined "experts' analyses") • <i>In re Cardizem CD Antitrust Litig.</i>, 218 F.R.D. 508, 526 (D. Mich. 2003) (for undefined merits or damages evaluations)